

REMARKS

INTRODUCTION:

In accordance with the foregoing, claims 30, 33, 39 and 45 have been amended. Claims 1-72 are pending and under consideration. Claims 1-29, 31-32, 35-38, 41-44 and 47-72 are allowed.

REJECTION UNDER 35 U.S.C. §102:

Claim 30 is rejected under 35 U.S.C. §102(b) as being anticipated by Hannam et al. (GB 2,235,981 A).

Independent claim 30 recites "a detector to detect a test piece while moving the test piece along the flow path, in a detection direction ... moving the test piece along the flow path in a recovery direction opposite the detection direction." Thus, when the test piece is moved in opposite directions, the test piece is still moved along the flow path. In contrast, Hannam et al. discloses a conveyor 1 to pass materials, and a test piece 5, below the conveyor 1. Thus, the test piece 5 is not moved along a flow path of the materials.

Accordingly, withdrawal of the rejection is requested.

REJECTIONS UNDER 35 U.S.C. §103:

Claims 33, 34, 39, 40, 45 and 46 are rejected under 35 U.S.C. §103(a) as being unpatentable over Hannam et al. (GB 2235981) in view of Mosher (U.S. Patent 4,726,434).

The comments above with respect to claim 30 also apply here. Mosher does not overcome the above deficiencies in Hannam et al., and is not relied upon by the Examiner to do so.

Accordingly, withdrawal of the rejection is requested.

ALLOWABLE SUBJECT MATTER:

Claims 1-29, 31-32, 35-38, 41-44 and 47-72 are allowable over the art of record.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.


Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 5-3-04

By: 
Michael J. Badagliacca
Registration No. 39,099

1201 New York Avenue, NW, Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501